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September 9, 2005

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: CC Docket Nos. 01-92 & 96-45; MB Docket No. 05-255  
Notice of *Ex Parte* Meeting**

Dear Ms. Dortch:

On September 8, 2005, Mike Wallin and Kimberly Wheeler of Ringgold Telephone Company ("Ringgold") and John Kuykendall of John Staurulakis, Inc. met with Scott Bergmann, legal advisor to Commissioner Jonathan Adelstein. In the meeting, the Ringgold representatives updated Mr. Bergmann on meetings that the company has had with representatives in Congress regarding intercarrier compensation and universal service. The Ringgold representatives also provided Mr. Bergmann with a packet of information that the company has been distributing to Congressional representatives containing a position paper regarding these matters and a DVD demonstrating the state-of-the-art video services that the company provides to subscribers in its rural service area. A copy of the position paper is attached to this Notice.

During the meeting, the representatives explained how phantom traffic is negatively impacting the company and inquired regarding the status of the intercarrier compensation and the universal service proceedings at the FCC. The Ringgold representatives reiterated the company's concern that adequate universal service support and intercarrier compensation are vital to ensuring the continuation and expansion of quality telecommunications services to rural areas.

Respectfully submitted,

/s/ John Kuykendall

John Kuykendall  
Director – Regulatory Affairs

cc: Scott Bergmann

Attachment

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# Position Paper

The following key telecommunications issues are ones which are likely to be addressed in proposed legislation in Congress or in a rewrite of the Telecommunications Act of 1996. Under each issue are listed elements that several rural independent telecommunications and broadband providers should be part of any consideration of proposed legislation that would impact any of these areas.

Regulation should not be based upon a technology or traffic type. We ask that you ensure that legislation takes into account smaller entities, such as rural independent telecommunications/broadband providers which are unfairly disadvantaged when they compete against larger, more heavily financed and more politically powerful carriers. Any regulation, therefore should seek to "level the playing field" and provide for non-discriminatory treatment towards the customers served by each. We ask that you implement a set a specific "standards" that ensure all carriers have the same level of access to another carrier's network and the same level of voice quality. These standards should be covered in legislation which makes interconnection agreements mandatory and provides the ability to enforce the agreements.

## **1) Non-discriminatory Access to Network Facilities**

- Affordable access to all types of providers to the Internet Backbone.
- No "packet labeling" allowed solely for the purpose of preferred treatment or degradation of VoIP traffic.
- Non discriminatory access to networks via interconnection agreements.

## **2) Interconnection Agreements**

- Ensure that the terms and conditions of access to the network facilities of telecommunications and broadband providers are approved by regulators and are non-discriminatory.
- Rates which are equitable and allow for a reasonable return for the investment in the network.
- Provide for terms that permit a carrier to refuse to continue providing service to another carrier if the carrier is not meeting its payment obligations or other requirements contained in the agreement.
- Carriers should provide call setup/detail signaling information which would eliminate "dumping" traffic on third party carriers;
- Conversely, specific call setup/detail signaling data should be populated and certified accurate by the originating carrier. This will help to prevent the manipulation and subversion of the Public Switched Telephone Network.
- Promote the ability for rural telecommunications and broadband providers to control the flow of traffic to and from their networks and discourage use of large carrier "gatekeepers" to the rural carriers.

## **3) Video Content**

- Providers of video services should not be allowed to enter into contracts which provide them with exclusive distribution rights to specific content.
- Requirements to purchase content on a "channel bundling" basis are cumbersome and expensive for the end user.
- Legislation should not preference a certain type of technology. For example, legislation should not provide for subsidies for the distribution of satellite video distribution even if that technology is the only means for distributing HDTV to non-HDTV compatible television sets.

# Position Paper

## **4) Intercarrier Compensation**

- Any change in the current regime should not differentiate between the type of technology or traffic, i.e. voice, video or data that is traversing the network or the jurisdiction of a call.

- Any new intercarrier compensation plan should ensure that every provider pays for the use of another's network, no matter what type of traffic it may be, i.e. TDM or Packet voice, video or data.

## **5) USF/ USF Contribution Percentages**

- Universal service support (USF) has been successful in providing for the deployment of basic and advanced telecommunications services to rural areas.

- Distributions of funds from the USF should be based on a carrier's actual cost. Eligible telecommunications carriers (ETCs) should not be allowed to claim their disbursements based upon the rural carrier's cost.

- Contributions to the USF should come from the broadest possible base of telecommunication and information service providers.

## **6) Bankruptcy/Mergers**

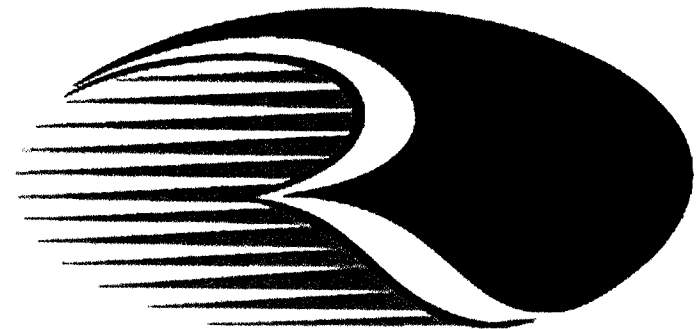
- Ensure that any new or amended legislation provides protection for rural independent telecommunications and broadband providers by ensuring that the filer for bankruptcy cannot forgo repaying the debt owed to the rural provider.

- Legislation must include protection for the rural independent telecommunications and broadband providers concerning mergers of large and companies. Protections must be included that will ensure fair and equal access to transport and access facilities and Tandem services.

## **7) Digital Millennium Copyright Act of 1998 (DMCA)**

- The DMCA is unclear and places a great deal of liability on the ISPs/Network Operator to police copyright enforcement and to "take down" customers before an actual violation is verified.

- While copyrights are valuable and should be protected, the DMCA seems to favor copyright holders while completely disregarding the practicality and cost of enforcement by network operators, consumer use of network services and the true responsibilities for copyright enforcement by copyright owners.



**RINGGOLD**  
**TELEPHONE COMPANY**

# The Future



Throughout Ringgold Telephone Company's ninety-three year history, we have offered to our customers the very latest in technology. As we look to the future and the demands of our customers, we pledge to stay true to our history by continuing to offer the latest technology.

In 2005, we were able to offer a Voice over Internet Protocol (VoIP) product to businesses in our area. In the first quarter of 2006, we will begin to offer a VoIP product for residential customers.

In 2005, RTC began fiber to the home projects in several locations within our serving area. We have a five-year plan to build fiber deeper into our network in order to provide additional bandwidth for new broadband service offerings to our customers.

In 2005, RTC's IPTV offering, NexTV will rollout personal video recorder (PVR) as an additional feature. In 2006, NexTV will begin to offer high definition television (HDTV).

# ***Threats***

- USF Contribution Base and Percentage
- Non-discriminatory Access to Network Facilities
- Interconnection Agreements
- Phantom Traffic
- Intercarrier Compensation
- Video Content
- Mergers/Bankruptcy
- Digital Millennium Copyright Act of 1998 (DMCA)

As you review the enclosed position papers, you will find in more detail these threats and our positions as an ILEC and why we have taken these positions. We believe that these issues can and should be addressed by Congress in legislation.